

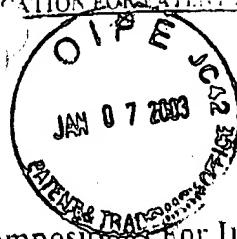
First named inventor: Theoharis C. Theohar

Group Art Unit: 161

Application Number: 09/771,669

Examiner: Charesse L. Evans

Filed: 01/30/01



Title: Synergistic Proteoglycan Compositions For Inflammatory Conditions

Docket Number (Optional) : 51275/107

Attention: Office of Petitions

Assistant Commissioner for Patents Box DAC
Washington, D.C. 20231

- NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure allegedly to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOT: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

O small entity fee \$ 55.00 (37 CFR 1.17(l) Applicant claims small entity status.

O other than small entity fee \$.(37 CFR 1.17(1)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of An Amendment.
(Identify the type of reply)

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☒ has been filed previously on May 15, 2002 (copy enclosed)

☐ is enclosed herewith.

B. The issue fee of \$

☐ has been paid previously on.

☐ is enclosed herewith.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$-

for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Date: November 14, 2002

Signature Melvin Blecher

Telephone no. (202)-363-3338

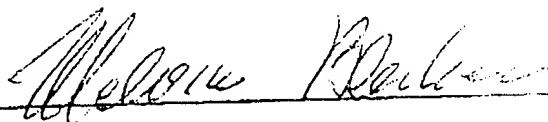
Typed or printed name: Dr. Melvin Blecher

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Date: November 14, 2002

Signature



Typed or printed name Dr. Melvin Blecher

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

(Please attach additional sheets if additional space is necessary)

In response to an Office Action dated 03/27/2002, on 05/15/2002 I timely filed an Amendment pursuant to 37 CFR 1.111. As is the standard practice of this office for hand deliveries, the Amendment was filed on 05/15/2002 in the "Lawyer's Window" at the Mail Room of the Patent Office by a professional courier, Mr. Peter H. Bunnell. Enclosed is a copy my office's check to Mr. Bunnell for this courier service.

Also enclosed is a Statement from Mr. Bunnell attesting to the fact that he received filing the Amendment in the Patent Office on 05/15/2002. In support of this Statement, I enclosed a copy of Mr. Bunnell's Trip Docket showing that he filed the Amendment in the Patent Office at 2:50 PM, and that the mail clerk, a Maria Asfaw, signed the Trip Docket as proof of delivery. Coincidentally, Mr. Bunnell filed another paper for me in the Trademark Office the same day at 2:59 PM.; this also appears on the Trip Docket.

Mr. Bunnell states also that he mailed the date-stamped receipt post card on the same day. However, this post card did not reach my office, which is not unusual these days.

The copy of the enclosed Amendment as filed also shows the date on which the Amendment was hand delivered by me to Mr. Bunnell for delivery.

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Washington, DC 20016-5625

Enclosures: ☒ Fee Payment
☒ Reply

☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, EPO, DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date November 14, 2002

Signature Melvin Blecher

Typed or printed name of person signing certificate Dr. Melvin Blecher



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: Theoharis C. Theoharides

Group Art Unit: 1615

Application Number: 09/771,669

Examiner: Charesse L. Evans

Filed: 01/30/01

Title: Synergistic Proteoglycan Compositions For Treatment of Inflammatory Conditions

Attention: Office of Petitions

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

Attn.: John J. Gillon, Senior Attorney

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Renewed Petition under 37 CFR 1.137(a)

OFFICE OF PETITIONS

Sir:

In response to an undated Notice of Abandonment of the above-identified application received from Examiner Evans in November on an allegation that petitioner failed timely to file a proper Reply to an office action by the United States Patent and Trademark Office, petitioner, on 11/14/2002, filed a Petition to Revive under 37 CFR 1.137(a). The Petition was accompanied by: (1) the Small Entity fee of \$55.00; (2) a copy of the of the Reply as originally filed in the USPTO on 05/15/2002; and, (3) a Certificate of Mailing under 37 CFR 1.8(a), dated 11/14/2002, attesting to the fact that the undersigned attorney deposited with the United States Post Office the above-listed documents.

On Saturday, November 21, 2002, which is not a work day for undersigned's law office, Senior Attorney Gillon called and left a voice mail stating, first, that he had not received the Reply and asking that a copy be faxed to him by 9:00 AM on Monday 12/23/2002, and, second, that it would be pointless to do so as a Dismissal of the Petition to Revive had already been sent to the undersigned (it was actually mailed by the Office of Petitions on 11/24/2002).

The undersigned telephoned Mr. Gillon on Monday morning after the voice mail was read (>9 AM), asking for an explanation of the conflicting instructions. On Mr. Gillon's new instructions the undersigned FAXed to him at 703-308-6916 on 11/23/2002 another copy of both the allegedly missing Reply plus a copy of the 11/14/2002

Certificate of Mailing provided that the reply had been filed with the Petition to Revoke on 11/14/2002.

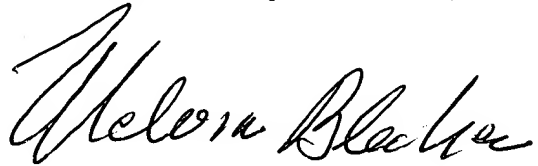
In view of the fact that the Office has twice "lost" the Reply, this paper is by way of making the above-mentioned 11/23/2002 facsimile to Mr. Gillon more formal. Enclosed with this paper are therefore: (1) another copy of the Reply and (2) another copy of the 11/14/2002 Certificate of Mailing.

The Petitioner submits that it would be appropriate for the Office of Petitions to grant the Petition to Revoke.

Respectfully submitted,

Date of signature

01/02/2003



Dr. Melvin Blecher
Attorney-at-Law
Reg. No. 33,649

Law Offices of Dr. Melvin Blecher
4329 Van Ness St., NW
Washington, DC 20016-5625
Tel 202 363 3338

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date of signature:

01/02/2003

Signature



Typed or printed name of person signing certificate Dr. Melvin Blecher

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